

FRED M. BLUM (SBN 101586)  
ERIN K. POPPLER (SBN 267724)  
BASSI, EDLIN, HUIE & BLUM LLP  
351 California Street, Suite 200  
San Francisco, California 94111-2939  
Telephone: (415) 397-9006  
Facsimile: (415) 397-1339  
E-mail: fblum@behblaw.com  
E-mail: epoppler@behblaw.com

RONALD S. BUSHNER (SBN 98352)  
BERNARD GEHLHAR (SBN 208482)  
EMILY M. WEISSENBERGER (SBN 248898)  
WILSON, ELSE, MOSKOWITZ,  
EDELMAN & DICKER LLP  
525 Market Street, 17<sup>th</sup> Floor  
San Francisco, California 94105-2725  
Telephone: (415) 433-0990  
Facsimile: (415) 434-1370  
E-mail: ronald.bushner@wilsonelser.com

Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

AMERIPRIDE SERVICES, INC.,

Plaintiffs,

vs.

VALLEY INDUSTRIAL SERVICES, INC., a  
former California corporation, et al.,

Defendants.

Case No. 2:00-CV-00113-LKK JFM

**TEO'S STATEMENT REGARDING  
DISMISSAL OF ITS THIRD PARTY  
COMPLAINT AGAINST UNIVAR USA,  
INC. AND ORDER DISMISSING THE  
UNIVAR COMPLAINT WITHOUT  
PREJUDICE**

Courtroom: 26  
Judge: Honorable Lawrence  
K. Karlton  
Trial Date: January 18, 2012  
Complaint Filed: January 19, 2000

Defendant TEXAS EASTERN OVERSEAS, INC. ("TEO") submits this statement to memorialize its prior request to dismiss without prejudice TEO's Third Party Complaint against Univar USA, Inc. ("Univar").

In TEO's Separate Pretrial Statement and in the Pretrial Conference Order (Tentative), TEO agreed that dismissal of the action against Univar was appropriate because the time limit to serve the Complaint had passed. Dkt. 772 at 35; Dkt. 788 at 158. Pursuant to Federal Rules of Civil Procedure Rule 4(m), the Court must dismiss the action. Rule 4(m) regarding the time limit for service states, [i]f a defendant is not served within 120 days after the complaint is filed, the court--on motion or on its own after notice to the plaintiff--must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period." TEO and AmeriPride agree this action should be dismissed without prejudice. Dkt. 788 at 158.

For these reasons, TEO respectfully requests that the Court enter an order dismissing TEO's Third Party Complaint against Univar without prejudice.

Date: November 30, 2011


BASSI, EDLIN, HUIE & BLUM LLP

By: /s/ ERIN K. POPPLER

ERIN K. POPPLER  
Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

**IT IS SO ORDERED.**

Dated: December 1, 2011

  
LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT

Re: **Ameripride Services Inc. v. Valley Industrial Services, Inc., et al.**  
**United States District Court, Eastern District Case No. 2:00-CV-00113-LKK JFM**

**PROOF OF SERVICE – ELECTRONIC TRANSMISSION**

STATE OF CALIFORNIA/COUNTY OF San Francisco

I am a citizen of the United States and an employee in the County of San Francisco. I am over the age of eighteen (18) years and not a party to the within action. My business address is BASSI, EDLIN, HUIE & BLUM LLP, 500 Washington Street, Suite 700, San Francisco, California 94111.

On the date executed below, I electronically served the document(s) via ECF File & Serve, described below, on the recipients designated on the Transaction Receipt located on the ECF File & Serve website.

**TEO'S STATEMENT REGARDING DISMISSAL OF ITS THIRD PARTY COMPLAINT  
AGAINST UNIVAR USA, INC. AND [PROPOSED] ORDER DISMISSING THE  
UNIVAR COMPLAINT WITHOUT PREJUDICE**

On the following parties:

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**X BY ELECTRONIC FILING:** I caused the above document to be served by ECF to the following names on the service list provided by ECF, and;

I declare under penalty of perjury that the foregoing is true and correct and that this document is executed on November 30, 2011, at San Francisco, California.

/s/ ADELA AREVALO

\_\_\_\_\_  
ADELA AREVALO